REMARKS

This is in response to the Official Action of December 23, 2003, which was a final rejection. Entry of this Amendment under 37 C.F.R. 1.116 is respectfully requested, because it is believed that it takes care of all of the formal objections and the amendment to independent claim 29 is believed to clearly overcome the rejection in the last Office Action.

First, in regard to the objection to the drawings, it was discovered that the reference to Figure 3-1 was in error, and that there never has been such a Figure in the case. The reference should have been just to Fig. 1, and the description of Figure 2 has been amended to make that correction. Thus, it is believed to new drawing or drawing correction is required.

In the specification, the reference numerals have been corrected. However, Reference 100.3 has not been changed, because the base segment is one of the stem segments, and the amendment to the description has been made to clear that up. Also, the description of the head prosthesis has been clarified in paragraph 0009.

Paragraph 0009 has further been amended to include reference to a collum centrum axis. Anchoring of the tension member into the femur is clarified also by an amendment to paragraph 0009 and amendments to claim 32 have been made to correspond in language.

Thus, it is believed that the objections to the specification are overcome, and the rejection under 35 U.S.C. 112 will be removed.

The claims 29 and 31 were rejected as being anticipated by the Kranz et al. patent 6,102,956, and all of the claims in the case, claims 29-33, were rejected as being anticipated by the Kranz et al. U.S. patent 4,878,917.

The Examiner indicated that claim 29 read on the structures, but with the amendments it is now pointed out that the

bores of each additional stem segment that receives the cylinder extending from the tip portion is a bore that extends outwardly throughout the entire additional segment, along the diaphysial axis and the bore of each segment other than the tip portion of the base stem segment receives the outwardly extending cylinder portion. The outwardly extending cylinder portion in the bores of the additional segments form the sole member for alignment of the segments. This is distinguished from the need for providing tapered interfitting connections in the Kranz patent. Both of the Kranz patents show the generally short conical surfaces that seat into a short conical receptacle for aligning the parts.

The present invention uses bores throughout the individual additional segments, so that the cylinder extends completely through the segments and the bore of each additional segment receives the cylinder for aligning the segments. This provides for an elongated support rather than relying on short fitting conical surfaces and seats. Alignment is assured with the present construction.

Even though the Kranz et al. patent 4,878,917 shows a type of a shaft, that is for providing a compression force to the segments so that they will seat tightly in the conical receptacles 7, that would receive the male portions 8.

Thus, a new combination has been provided with the individual segments being aligned with a cylindrical member through bores of the additional segments that makes alignment easy, and insures correct full seating of the prosthesis.

The dependent claims add features, including the immediate stem segment, which has a bore, in accordance with claim 29.

The other features relate to the coupling of the parts together and are believed allowable.

Favorable action is therefore respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit

Account No. 23-1123.

Respectfully submitted,

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